

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD ALEX WILLIAMS,

Petitioner, No. CIV S-03-0721 JAM JFM P

vs.

C.K. PLILER, Warden, et al.,

Respondents. ORDER

Petitioner, a state prisoner proceeding through counsel, has timely filed a notice of appeal of this court's March 17, 2008 denial of his application for a writ of habeas corpus.

Before petitioner can appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The court must either issue a certificate of appealability indicating which issues satisfy the required showing or must state the reasons why such a certificate should not issue. Fed. R. App. P. 22(b).

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1           For the reasons set forth in the magistrate judge's December 20, 2006 findings  
2 and recommendations, petitioner has not made a substantial showing of the denial of a  
3 constitutional right. Accordingly, a certificate of appealability should not issue in this action.

4           IT IS SO ORDERED.

5 DATED: August 7, 2008

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7           /s/ John A. Mendez  
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9           UNITED STATES DISTRICT JUDGE  
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